(30)

WS(S) - 5932/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) PR No.2585 of 2007

PETITIONER Jagdish Ram Sahu, aged 53 years, son of Parshuram Sahu, Assistant Teacher, Middle School, Bhanwarmara, Tahsil & District Rajnandgaon.

Versus

RESPONDENTS

1 State Government of Chhattisgarh, Through the Secretary, School Education Department, DKS Bhawan, Raipur(CG)

2 The District Education Officer, Rajnandgaon(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORAL ORDER
(20.09.2007)

SUNIL KUMAR SINHA, J.

This matter is listed in default.

Learned counsel for the petitioner submits that an amendment application (I.A.No.1) has been filed for removing default No.2 and for default No.1, a separate synopsis has already been filed along with an application for taking document on record.

In view of the above, the matter is being heard firstly on I.A.No.01 & I.A.No.02.

I.A.No.01 & I.A.No.02.

Heard.

I.A.No.01 has been filed for amendment in the writ petition pertaining to the default, raised by the office.

The same is allowed.

Let necessary amendment be incorporated.

This interim application stands disposed of.

The second I.A. is for taking the synopsis on record.

It is also pertaining to the default raised by the office.

The same is also allowed.

The synopsis is taken on record.

Now the defaults are removed.

Office is directed to register it as a regular writ petition.

(31)

Heard on merits.

Learned counsel for the petitioner submits that the issue involved in the case is as to whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89(Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioner further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms. No order as to costs.

The petition stands finally disposed of.

Certified copy of this order shall be delivered only after the amendment is incorporated by the counsel for the petitioner.

Sd/-
Sunil Kumar Sinha
Judge

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